

ESTTA Tracking number: **ESTTA795506**

Filing date: **01/17/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Hershey Chocolate & Confectionery Corporation
Granted to Date of previous extension	01/28/2017
Address	4860 Robb Street Suite 204 Wheat Ridge, CO 80033 UNITED STATES

Attorney information	Paul C Llewellyn ARNOLD & PORTER KAY SCHOLER LLP 250 West 55th Street New York, NY 10019-9710 UNITED STATES paul.llewellyn@apks.com, tmdocketing@apks.com Phone:2128367828
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### Applicant Information

Application No	87092662	Publication date	11/29/2016
Opposition Filing Date	01/17/2017	Opposition Period Ends	01/28/2017
Applicant	Beijing MeiYiYang Food Co., Ltd. Room 2506, Building No.1 Beijing, 101100 CHINA		


### Goods/Services Affected by Opposition

Class 030. First Use: 2016/06/01 First Use In Commerce: 2016/06/01 All goods and services in the class are opposed, namely: Chocolate-coated nuts; Chocolate; Chocolate and chocolates; Chocolate confections; Chocolate covered fruit; Chocolate truffles; Chocolate-based spread also containing nuts; Chocolates and chocolate based ready to eat candies and snacks; Filled chocolate; Milk chocolate
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### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2416701	Application Date	10/17/1996
Registration Date	01/02/2001	Foreign Priority Date	NONE
Word Mark	KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1907/07/01 First Use In Commerce: 1907/07/01 generally solid chocolate candy, with and without ingredients such as nuts		

U.S. Registration No.	1074784	Application Date	06/30/1972
Registration Date	10/04/1977	Foreign Priority Date	NONE
Word Mark	A BIG KISS FOR YOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1971/07/02 First Use In Commerce: 1971/07/11 CANDIES INCLUDING CHOCOLATE PRODUCTS		

U.S. Registration No.	1177511	Application Date	05/17/1979
Registration Date	11/10/1981	Foreign Priority Date	NONE
Word Mark	A KISS ESPECIALLY FOR YOU		


Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1979/05/01 First Use In Commerce: 1979/05/01 Chocolate Candy		


U.S. Registration No.	1396853	Application Date	05/01/1985
Registration Date	06/10/1986	Foreign Priority Date	NONE
Word Mark	KISSES KISSES KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1981/11/00 First Use In Commerce: 1981/11/00 MUGS FILLED WITH CANDY		

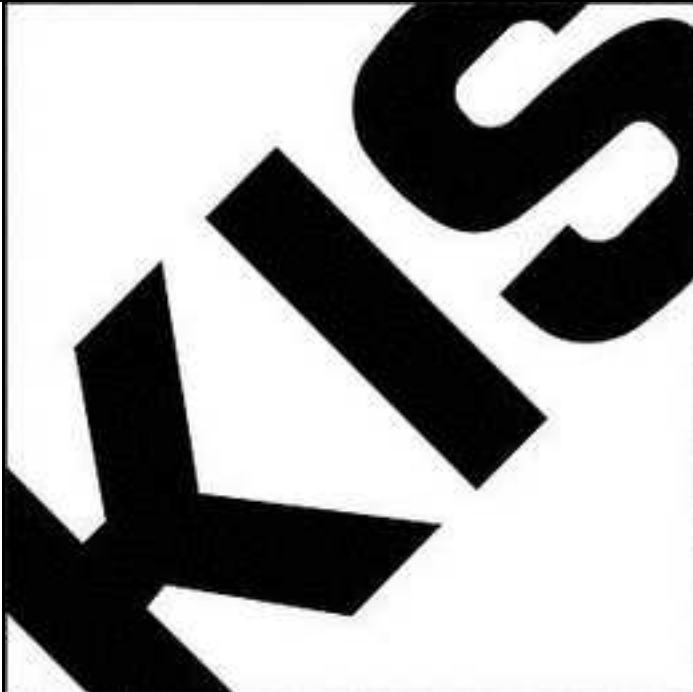
U.S. Registration No.	1797199	Application Date	07/15/1991
Registration Date	10/05/1993	Foreign Priority Date	NONE
Word Mark	HUGS 'N KISSES		
Design Mark			
Description of	NONE		


Mark	
Goods/Services	Class 030. First use: First Use: 1992/08/04 First Use In Commerce: 1992/08/04 candy



U.S. Registration No.	2507281	Application Date	06/15/1995
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	MINI KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1995/07/26 First Use In Commerce: 1995/07/26 confectionery bits for baking		

U.S. Registration No.	2285652	Application Date	11/30/1995
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	GOODNIGHT KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1996/08/28 First Use In Commerce: 1996/08/28 cocoa mixes, chocolate powder and hot chocolate		

U.S. Registration No.	2321971	Application Date	05/17/1999
Registration Date	02/22/2000	Foreign Priority Date	NONE
Word Mark	HUGS & KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1997/12/00 First Use In Commerce: 1997/12/00 candy		

U.S. Registration No.	3261872	Application Date	12/11/2003
Registration Date	07/10/2007	Foreign Priority Date	NONE
Word Mark	KIS		
Design Mark			
Description of Mark	The mark consists of a rectangle in which the letters KIS are written at an angle from the lower left corner to the upper right corner. Color is not claimed as part of the mark.		
Goods/Services	Class 020. First use: First Use: 2002/11/01 First Use In Commerce: 2002/11/01 Point of purchase displays Class 030. First use: First Use: 2002/11/01 First Use In Commerce: 2002/11/01 candy, chocolate and confectionery bitsfor baking		

U.S. Registration No.	3195247	Application Date	10/07/2005
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	EVERY DAY DESERVES A KISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2005/04/30 First Use In Commerce: 2005/04/30		

	Chocolate and candy		
U.S. Registration No.	3588979	Application Date	12/29/2004
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	KISSORTMENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2009/01/08 First Use In Commerce: 2009/01/08 Candy		
U.S. Registration No.	3382925	Application Date	08/08/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	SEALED WITH A KISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Candy		
U.S. Registration No.	3363296	Application Date	08/08/2005
Registration Date	01/01/2008	Foreign Priority Date	NONE
Word Mark	SEALED WITH A HERSHEY'S KISS		

Design Mark	SEALED WITH A HERSHEY'S KISS
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Candy

U.S. Registration No.	3681592	Application Date	04/24/2006
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	KISSES FROM ME!		
Design Mark	KISSES FROM ME!		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2005/09/23 First Use In Commerce: 2005/09/23 Candy		

U.S. Registration No.	3304676	Application Date	06/20/2006
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	KISS SOMEONE		
Design Mark	KISS SOMEONE		

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2007/03/01 First Use In Commerce: 2007/03/01 Candy

U.S. Registration No.	3328351	Application Date	10/18/2006
Registration Date	11/06/2007	Foreign Priority Date	NONE

Word Mark	KISS OF THE MONTH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 Candy Class 035. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 [ Mail order services featuring candy and gift items ]
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U.S. Registration No.	3377344	Application Date	02/18/2007
Registration Date	02/05/2008	Foreign Priority Date	NONE

Word Mark	MERRY KISSES
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 2006/09/04 First Use In Commerce: 2006/09/04 Candy
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U.S. Registration No.	3311601	Application Date	03/22/2007
Registration Date	10/16/2007	Foreign Priority	NONE



		Date	
Word Mark	MERRY KISSMAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2006/10/04 First Use In Commerce: 2006/10/04 Candy		

U.S. Registration No.	3493764	Application Date	12/05/2007
Registration Date	08/26/2008	Foreign Priority Date	NONE
Word Mark	WHATEVER YOU WANT TO SAY, SAY IT WITH AKISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2008/01/31 First Use In Commerce: 2008/01/31 Candy		

U.S. Registration No.	3604137	Application Date	05/21/2008
Registration Date	04/07/2009	Foreign Priority Date	NONE
Word Mark	SAY IT WITH A KISS		

Design Mark	<b>SAY IT WITH A KISS</b>
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2008/01/15 First Use In Commerce: 2008/01/15 Candy

U.S. Registration No.	3685216	Application Date	09/11/2008
Registration Date	09/22/2009	Foreign Priority Date	NONE
Word Mark	WHEN YOU WANT TO SAY ALOHA, SAY IT WITHA KISS		
Design Mark	<b>WHEN YOU WANT TO SAY ALOHA, SAY IT WITH A KISS</b>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2008/06/23 First Use In Commerce: 2008/06/23 Candy		

U.S. Registration No.	3759192	Application Date	04/09/2009
Registration Date	03/09/2010	Foreign Priority Date	NONE
Word Mark	DELIGHTFULLY DELICIOUS ONE-OF-A-KIND KISSES		
Design Mark	<b>DELIGHTFULLY DELICIOUS ONE-OF-A-KIND KISSES</b>		

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2009/04/30 First Use In Commerce: 2009/04/30 Candy

U.S. Registration No.	3851647	Application Date	01/27/2010
Registration Date	09/21/2010	Foreign Priority Date	NONE

Word Mark	DELIGHTFULLY DELICIOUS LITTLE BUNCHES OF KISSES
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Design Mark	 <p>DELIGHTFULLY DELICIOUS LITTLE BUNCHES OF KISSES</p>
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Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2010/04/01 First Use In Commerce: 2010/04/01 Candy


U.S. Registration No.	4021596	Application Date	08/01/2010
Registration Date	09/06/2011	Foreign Priority Date	NONE

Word Mark	HERSHEY'S KISSES A KISS FOR YOU MILK CHOCOLATE
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Design Mark	 <p>A Kiss for You</p> <p>HERSHEY'S MILK CHOCOLATE KISSES</p>
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Description of Mark	The mark consists of the wording "HERSHEY'S", "KISSES", and "A KISS FOR YOU" in white letters, and "MILK CHOCOLATE" in red letters with multiple white conical configurations representing individually wrapped candies. Each candy is wrapped with twisted foil and has a plume device. The two stylized boy and girl children designs known as the Kiss Kids are depicted eating a piece of candy,
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	and appear in the colors brown, beige, black, peach and white. Below the design of the children is a horizontal red line. All of this matter appears on a blue background. The dotted lines indicate the positioning of the mark, and are not part of the mark.
Goods/Services	Class 030. First use: First Use: 1998/12/31 First Use In Commerce: 1998/12/31 candy; chocolate


U.S. Registration No.	4079147	Application Date	12/02/2010
Registration Date	01/03/2012	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES BRAND MILK CHOCOLATES		
Design Mark			
Description of Mark	The mark consists of the words "HERSHEY'S" in white stylized lettering on a dark brownish-maroon background in a rectangular shape and the word "KISSES" in white stylized lettering with silver shading followed by the words "Brand Milk Chocolates" in white lettering on a darkish-maroon oval background.		
Goods/Services	Class 030. First use: First Use: 2010/01/30 First Use In Commerce: 2010/01/30 Candy; Chocolate		

U.S. Registration No.	4240379	Application Date	09/06/2011
Registration Date	11/13/2012	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES BRAND SINCE 1907 CLASSIC BAG MILK CHOCOLATE WITH ALMONDS		

Design Mark	 The image shows the packaging for Hershey's Kisses Classic Bag. It features a dark maroonish-brown background. In the upper left corner, the words "Classic Bag" are written in dark maroonish-brown on a white background. In the center, there are two conical configurations of individually wrapped candies in gold, tilted inward toward each other. Each candy has a white plume device extending to the right, overlapping the other. The word "ALMONDS" is written in dark maroonish-brown on the white plume device. To the right of the candies, the words "HERSHEY'S KISSES" are written in white on a dark maroonish-brown background. Below this, the words "milk chocolate with almonds" are written in dark maroonish-brown on a gold ribbon. In the bottom right corner, the words "Since 1907" are written in white on a dark maroonish-brown background. Dotted lines indicate the positioning of the mark.
Description of Mark	The mark consists of the words "CLASSICBAG" in dark maroonish-brown on a whitebackground in the upper left-hand corner; the words "HERSHEY'S KISSES BRAND SINCE 1907" in white on a dark maroonish-brown background and the words "MILK CHOCOLATE WITH ALMONDS" in dark maroonish-brown lettering on a gold ribbon on dark maroonish-brown background; two conical configurations representing individually wrapped candies in gold, tilting inward toward each other, with multiple shelled almond designs in dark maroonish-brown on the fanciful design of gold metallic wrap, the left configuration design has awhite plume device extending to the right and overlaps the white plume device on the right conical configuration. Each plume device bears the word "ALMONDS" written in dark maroonish-brown lettering. The dotted lines indicate the positioning of the mark, and are not part of the mark.
Goods/Services	Class 030. First use: First Use: 2011/03/31 First Use In Commerce: 2011/03/31 Candy; Chocolate

U.S. Registration No.	4366714	Application Date	10/24/2011
Registration Date	07/16/2013	Foreign Priority Date	NONE
Word Mark	CLASSIC BAG HERSHEY'S KISSES BRAND SINCE 1907 AIR DELIGHT AERATED MILK CHOCOLATE		
Design Mark	 The image shows the packaging for Hershey's Kisses Air Delight. It features a dark maroonish-brown background with a white dotted pattern. In the upper left corner, the words "Classic Bag" are written in dark maroonish-brown on a white background. In the center, there are two conical configurations of individually wrapped candies in silver, tilted inward toward each other. Each candy has a white plume device extending to the right, overlapping the other. The word "AIR DELIGHT" is written in red with white outlining on the white plume device. To the right of the candies, the words "HERSHEY'S KISSES" are written in white on a dark maroonish-brown background. Below this, the words "Air Delight" are written in red with white outlining on a white ribbon. Below the ribbon, the words "aerated milk chocolate" are written in red on a white ribbon. In the bottom right corner, the words "Since 1907" are written in white on a dark maroonish-brown background. Dotted lines indicate the positioning of the mark.		
Description of Mark	The mark consists of the words "CLASSICBAG" in dark maroonish-brown on a whitebackground in the upper left-hand corner and the words "HERSHEY'S KISSES BRAND SINCE 1907" in white on a dark maroonish-brown background and below, the words "AIR DELIGHT" in red with white outliningon a dark maroonish-brown background and the words "AERATED MILK CHOCOLATE" in red on a white ribbon. Two conical configurations in silver representing individually wrapped candies, tilting inward toward each other, with chocolate bubbles in		


	dark maroonish-brown on and around them, and each with a white plume device overlapping and extending to the right with the words "AIR DELIGHT" written in red on each of them. White circles cascade outward from the words "HERSHEY'S KISSES" in a geometric design and white circles in a different pattern edging both sides of the design. The bottom right corner of the mark features one-fourth of a circle, which represents translucent background. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.
Goods/Services	Class 030. First use: First Use: 2011/06/03 First Use In Commerce: 2011/06/03 Candy; Chocolate


U.S. Registration No.	4438757	Application Date	11/07/2012
Registration Date	11/26/2013	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES BRAND SINCE 1907 MILK CHOCOLATE KISSES		
Design Mark			
Description of Mark	The mark consists of a the three dimensional configuration of a stylized conical shape with plume with the wording "HERSHEY'S", "KISSES", "BRAND", "SINCE 1907" and "MILK CHOCOLATE" in white letters against a red background design in a stylized conical shape with a wavy white plume containing the word "KISSES" in blue at the top and outlined in black. An outer area appears in transparent color around the red background and is outlined in black. There are three candy conical shapes in green, silver and red with white plumes from each containing the word "KISSES" in blue and holly in green, with multiple-sized white snowflake designs appearing in the upper half of the red background area; the black color outside trim is not part of the colors claimed and is intended to show outline of the design.		
Goods/Services	Class 030. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Candy		

U.S. Registration No.	1852522	Application Date	01/29/1993
Registration Date	09/06/1994	Foreign Priority	NONE

		Date	
Word Mark	LOVE AND KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 candy		

U.S. Registration No.	1903703	Application Date	03/26/1993
Registration Date	07/04/1995	Foreign Priority Date	NONE
Word Mark	LOVE & KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 candy		

U.S. Registration No.	3918054	Application Date	02/09/2010
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	KISSLETOE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/11/29 First Use In Commerce: 2010/11/29 Candy		

U.S. Registration No.	4918242	Application Date	06/30/2015
Registration Date	03/15/2016	Foreign Priority Date	NONE
Word Mark	KISSES		
Design Mark			
Description of	The mark consists of "KISSES" in stylized design letters.		



Mark	
Goods/Services	Class 030. First use: First Use: 2011/03/31 First Use In Commerce: 2011/03/31 Candy; Chocolate; Chocolate candies

U.S. Registration No.	1242210	Application Date	08/11/1982
Registration Date	06/14/1983	Foreign Priority Date	NONE
Word Mark	KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1982/05/00 First Use In Commerce: 1982/05/00 Toys-Namely, Fabric "Plush" Teddy Bears		

U.S. Registration No.	1500581	Application Date	10/30/1987
Registration Date	08/16/1988	Foreign Priority Date	NONE
Word Mark	CRYSTAL KISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1987/09/04 First Use In Commerce: 1987/09/04 CRYSTAL CANDY/NUT BOWLS WITH LIDS		


U.S. Registration No.	1567320	Application Date	11/23/1988
Registration Date	11/21/1989	Foreign Priority Date	NONE
Word Mark	CHRISTMAS KISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1988/09/30 First Use In Commerce: 1988/09/30 CHRISTMAS TREE ORNAMENTS		

U.S. Registration No.	2273250	Application Date	10/22/1996
Registration Date	08/31/1999	Foreign Priority Date	NONE
Word Mark	HUGS & KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 clothing, namely, T-shirts and sweatshirts for adults and children		


U.S. Registration No.	2757584	Application Date	03/22/2002
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Registration Date	08/26/2003	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 004. First use: First Use: 2002/07/31 First Use In Commerce: 2002/07/31 candles		

U.S. Registration No.	2959840	Application Date	04/30/2004
Registration Date	06/07/2005	Foreign Priority Date	NONE
Word Mark	KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31 ceramic candy dishes		

U.S. Registration No.	3842467	Application Date	02/27/2009
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/08/01 First Use In Commerce: 2009/08/01 Earphones and headphones

U.S. Registration No.	3848607	Application Date	05/05/2009
Registration Date	09/14/2010	Foreign Priority Date	NONE
Word Mark	KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2009/07/01 First Use In Commerce: 2009/07/01 Series of recipe books		

U.S. Registration No.	3982395	Application Date	03/26/2010
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2011/02/28 First Use In Commerce: 2011/02/28 Electric lights for Christmas trees

U.S. Registration No.	4027938	Application Date	09/13/2010
Registration Date	09/20/2011	Foreign Priority Date	NONE

Word Mark	A KISS FOR YOU HERSHEY'S KISSES MILK CHOCOLATE
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Design Mark	
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Description of Mark	The mark consists of the wording "HERSHEY'S", "KISSES", and "A KISS FOR YOU" in white letters, and "MILK CHOCOLATE" in red letters with multiple white conical configurations representing individually wrapped candies. Each candy is wrapped with twisted foil and has a plume device. The two stylized boy and girl children designs known as the "Kiss Kids" are depicted eating a piece of candy, and appear in the colors brown, beige, black, peach and white. Below the design of the children is a horizontal red line. All of this matter appears on a blue background. The dotted lines indicate the positioning of the mark, and are not part of the mark.
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Goods/Services	Class 004. First use: First Use: 2010/04/30 First Use In Commerce: 2010/04/30 Candles
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U.S. Registration No.	2385191	Application Date	05/14/1999
Registration Date	09/12/2000	Foreign Priority Date	NONE


Word Mark	KISSMOBILE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1997/05/30 First Use In Commerce: 1997/05/30 Charitable fund raising services Class 041. First use: First Use: 1997/05/30 First Use In Commerce: 1997/05/30 Entertainment and educational services provided in association with a novelty land vehicle, namely, appearances by costumed characters, candy and product giveaways, and providing information regarding candy and chocolate products		
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U.S. Registration No.	2319692	Application Date	06/07/1997
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSMOBILE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1997/05/30 First Use In Commerce: 1997/05/30 charitable fundraising services Class 041. First use: First Use: 1997/05/30 First Use In Commerce: 1997/05/30 entertainment and educational services provided in association with a novelty land vehicle, namely, appearances by costumed characters and providing in- formation regarding chocolate products		

U.S. Registration No.	4895783	Application Date	07/07/2015
Registration Date	02/02/2016	Foreign Priority Date	NONE
Word Mark	HERSHEY'S KISSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/01/00 First Use In Commerce: 2006/01/00 Lip balm		

U.S. Registration No.	1412678	Application Date	07/05/1985
Registration Date	10/07/1986	Foreign Priority Date	NONE
Word Mark	MUGS & KISSES		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 RETAIL STORE SERVICES IN THE FIELD OF NOVELTY ITEMS, MUGS AND CANDY

Attachments	75183278#TMSN.png( bytes ) 73216069#TMSN.png( bytes ) 74185981#TMSN.png( bytes ) 75976991#TMSN.png( bytes ) 75707207#TMSN.png( bytes ) 78339285#TMSN.png( bytes ) 78728779#TMSN.png( bytes ) 78539505#TMSN.png( bytes ) 78687568#TMSN.png( bytes ) 78687580#TMSN.png( bytes ) 78867713#TMSN.png( bytes ) 78912275#TMSN.png( bytes ) 77023780#TMSN.png( bytes ) 77110281#TMSN.png( bytes ) 77137317#TMSN.png( bytes ) 77344258#TMSN.png( bytes ) 77479910#TMSN.png( bytes ) 77567353#TMSN.png( bytes ) 77710281#TMSN.png( bytes ) 77921354#TMSN.png( bytes ) 85097731#TMSN.png( bytes ) 85189280#TMSN.png( bytes ) 85415613#TMSN.png( bytes ) 85454288#TMSN.png( bytes ) 85774034#TMSN.png( bytes ) 77931102#TMSN.png( bytes ) 86679177#TMSN.png( bytes ) 78411309#TMSN.png( bytes ) 77680672#TMSN.png( bytes ) 77729425#TMSN.png( bytes ) 77969225#TMSN.png( bytes ) 85127898#TMSN.png( bytes ) 75705608#TMSN.png( bytes ) 75304645#TMSN.png( bytes ) 86684805#TMSN.png( bytes ) Notice of Opposition - AMOVO w Design.pdf(51851 bytes )
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Signature	/paul c. llewellyn/
Name	Paul C Llewellyn
Date	01/17/2017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION,

Opposer,

v.

BEIJNG MEIYIYANG FOOD CO., LTD.,

Applicant.

Opposition No. \_\_\_\_\_

Mark: **AMOVO** 魔吻  
Serial No: 87/092,662  
Filed: July 05, 2016  
Published: November 29, 2016

**NOTICE OF OPPOSITION**

Opposer Hershey Chocolate & Confectionery Corporation (“Hershey”), a Delaware corporation located and doing business at 4860 Robb Street, Suite 204, Wheat Ridge, Colorado 80033, will be damaged by the registration of the mark **AMOVO** 魔吻 shown in Application Serial No. 87/092,662, and opposes the same.

As grounds for opposition, Hershey alleges that:

1. Hershey is the owner of a number of trademarks for candy, chocolate, confectionery, cocoa and related products, including the famous KISS family of trademarks for various products manufactured by its licensee, The Hershey Company, a leading snack food company and one of the largest North American manufacturers of quality chocolate and non-chocolate confectionery products.

2. In 1907, Hershey’s predecessor in interest began producing a flat-bottomed, conical milk chocolate candy that was named Hershey’s KISSES® chocolates. Hershey’s KISSES trademark has been in continuous use for more than one hundred years, and is a famous trademark which identifies the chocolate candy sold by Hershey’s licensee under Hershey’s marks.

3. As set forth in the chart below, the KISSES trademark is just one of the many federally registered trademarks, all of which feature KISS or KISSES, within the KISS family of trademarks owned by Hershey for candy or confectionery products:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Class</b>	<b>Goods</b>	<b>Priority Date</b>
KISSES	2416701	30	Generally solid chocolate candy, with and without ingredients such as nuts	7/1/1907
A BIG KISS FOR YOU	1074784	30	Candies including chocolate products	7/2/1971
A KISS ESPECIALLY FOR YOU (Stylized)	1177511	30	Chocolate candy	5/1/1979
KISSES KISSES KISSES	1396853	21	Mugs filled with candy	11/1981
HUGS 'N KISSES	1797199	30	Candy	8/4/1992
MINI KISSES	2507281	30	Confectionery bits for baking	7/26/1995
GOODNIGHT KISSES	2285652	30	Cocoa mixes, chocolate powder and hot chocolate	8/28/1996
HUGS & KISSES	2321971	30	Candy	12/1997
KIS (stylized)	3261872	20, 30	Point of purchase displays; Candy, chocolate and confectionery bits for baking	11/1/2002
EVERY DAY DESERVES A KISS	3195247	30	Chocolate and candy	4/30/2005
KISSORTMENT	3588979	30	Candy	1/8/2009
SEALED WITH A KISS	3382925	30	Candy	9/30/2007

<b>Trademark</b>	<b>Reg. No.</b>	<b>Class</b>	<b>Goods</b>	<b>Priority Date</b>
SEALED WITH A HERSHEY'S KISS	3363296	30	Candy	9/30/2007
KISSES FROM ME!	3681592	30	Candy	9/23/2005
KISS SOMEONE	3304676	30	Candy	3/1/2007
KISS OF THE MONTH	3328351	30	Candy	9/1/2006
MERRY KISSES	3377344	30	Candy	9/4/2006
MERRY KISSMAS	3311601	30	Candy	10/4/2006
WHATEVER YOU WANT TO SAY, SAY IT WITH A KISS	3493764	30	Candy	1/31/2008
SAY IT WITH A KISS	3604137	30	Candy	1/15/2008
WHEN YOU WANT TO SAY ALOHA, SAY IT WITH A KISS	3685216	30	Candy	6/23/2008
DELIGHTFULLY DELICIOUS ONE-OF-A- KIND KISSES	3759192	30	Candy	4/30/2009
DELIGHTFULLY DELICIOUS LITTLE BUNCHES OF KISSES	3851647	30	Candy	4/1/2010
HERSHEY'S KISSES A KISS FOR YOU MILK CHOCOLATE (and Design)	4021596	30	Candy; chocolate	12/31/1998
HERSHEY'S KISSES BRAND MILK CHOCOLATES (and Design)	4079147	30	Candy; chocolate	1/30/2010
HERSHEY'S KISSES BRAND SINCE 1907 CLASSIC BAG MILK CHOCOLATE WITH ALMONDS (and Design)	4240379	30	Candy; chocolate	3/31/2011



<b>Trademark</b>	<b>Reg. No.</b>	<b>Class</b>	<b>Goods</b>	<b>Priority Date</b>
CLASSIC BAG HERSHEY'S KISSES BRAND SINCE 1907 AIR DELIGHT AERATED MILK CHOCOLATE (and Design)	4366714	30	Candy; chocolate	6/3/2011
HERSHEY'S KISSES BRAND SINCE 1907 MILK CHOCOLATE KISSES (and Design)	4438757	30	Candy	9/1/2011
LOVE AND KISSES	1852522	30	Candy	10/1982
LOVE & KISSES	1903703	30	Candy	11/1993
KISSLETOE	3918054	30	Candy	11/29/2010
KISSES (stylized)	4918242	30	Candy; chocolate; chocolate candies	3/31/2011

4. The KISS family of trademarks also includes the following federally registered marks, also owned by Hershey, for goods other than candy or confectionery:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Class</b>	<b>Goods</b>	<b>Priority Date</b>
KISSES	1242210	28	Toys—namely, fabric “plush” teddy bears	5/1982
CRYSTAL KISS	1500581	21	Crystal candy/nut bowls with lids	9/4/1987
CHRISTMAS KISS	1567320	28	Christmas tree ornaments	9/30/1988
HUGS & KISSES	2273250	25	Clothing, namely, T- shirts and sweatshirts for adults and children	1993
HERSHEY'S KISSES	2757584	4	Candles	7/31/2002

Trademark	Reg. No.	Class	Goods	Priority Date
KISSES	2959840	21	Ceramic candy dishes	1/31/2003
HERSHEY'S KISSES	3842467	9	Earphones and headphones	8/1/2009
KISSES	3848607	16	Series of recipe books	7/1/2009
HERSHEY'S KISSES	3982395	11	Electric lights for Christmas trees	2/28/2011
A KISS FOR YOU HERSHEY'S KISSES MILK CHOCOLATE (and Design)	4027938	4	Candles	4/30/2010
KISSMOBILE	2385191	36; 41	Charitable fund raising services; Entertainment and educational services provided in association with a novelty land vehicle, namely, appearances by costumed characters, candy and product giveaways, and providing information regarding candy and chocolate products	5/30/1997

Trademark	Reg. No.	Class	Goods	Priority Date
HERSHEY'S KISSMOBILE	2319692	36; 41	Charitable fundraising services;  Entertainment and educational services provided in association with a novelty land vehicle, namely, appearances by costumed characters and providing information regarding chocolate products	5/30/1997
HERSHEY'S KISSES	4895783	3	Lip balm	1/2006
MUGS & KISSES	1412678	42	Retail store services in the field of novelty items, mugs and candy	1978

5. In April 2000, the Trademark Trial and Appeal Board (“TTAB”) issued a decision in connection with the application to register the KISSES mark, Reg. No. 2416701, in which it found that “the evidence of record shows that sales, advertising and awareness of ‘KISSES’ in connection with applicant’s candy has been enormous” and establishes that the KISSES mark “functions as a trademark for [Hershey’s] goods, and is in fact a famous trademark for [Hershey’s] chocolate candy.” *In re Homestead*, Serial No. 75/183278, at 6 (TTAB Apr. 4, 2000). The TTAB’s finding was based, in part, on a survey in which close to 80% of those surveyed recognized the KISSES mark as a brand.

6. As a result of the long use, promotion and advertising, the KISSES mark and the KISS family of trademarks have become valuable assets of Hershey, serving as symbols for Hershey’s goods and of the goodwill which is associated with those goods.

7. Despite Hershey's long prior common law and statutory rights in the KISS family of trademarks, Applicant, with at least constructive notice of Hershey's federal registrations, and long after Hershey established rights in and to the mark KISSES and the KISS family of trademarks, adopted and filed an application for registration of the mark **AMOVO** 魔吻 for a variety of chocolate and confectionery products in International Class 30, namely, "[c]hocolate-coated nuts; Chocolate; Chocolate and chocolates; Chocolate confections; Chocolate covered fruit, Chocolate truffles; Chocolate-based spread also containing nuts; Chocolates and chocolate based ready to eat candies and snacks; Filled chocolate; Milk chocolate."

8. Applicant's **AMOVO** 魔吻 mark, as translated into English, is highly similar to the mark KISSES and the KISS family of trademarks adopted and used by Hershey through the years. As Applicant states in its application, the Chinese characters in the applied-for mark translate to MAGIC KISS in English.

9. Hershey believes and therefore alleges that Applicant's goods, as described in its application opposed herein, are or would be offered through the same or similar channels of trade to the same or similar customers or users as those goods rendered by Hershey's licensee under the mark KISSES and the KISS family of trademarks, and are highly related to the goods of Hershey's licensee.

10. Hershey believes and therefore alleges that use and registration of the mark covered by Application Serial No. 87/092,662 will damage Hershey, for the following reasons among others:

- a. customers and purchasers of the respective goods and services would be confused, mistaken, or deceived as to the source and origin of Applicant's goods rendered under the applied-for mark;

- b. customers and purchasers of the respective goods and services will assume, contrary to fact, that Applicant's goods come from, are associated with, sponsored by, approved by, or otherwise related to or affiliated with Hershey;
- c. customers and purchasers of the respective goods and services will assume, contrary to fact, that Applicant's goods contain as an ingredient KISSES products manufactured by Hershey's licensee; and
- d. Applicant's use of the applied-for mark is likely to dilute the distinctive quality of the KISSES mark and the KISS family of trademarks.

11. Applicant's applied-for mark so resembles Hershey's previously used and registered mark KISSES as well as the other marks in the KISS family of trademarks, as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

12. Hershey has previously used the trademark KISSES as well as the other marks in the KISS family of trademarks throughout the United States in connection with chocolate, candy, confectionery and other products, such that those marks have become names or identities of substantial reputation that are closely identified with Hershey. Applicant's mark is likely, when applied to the goods set forth in Applicant's application, to falsely suggest a connection with the Hershey within the meaning of 15 U.S.C. § 1052(a).

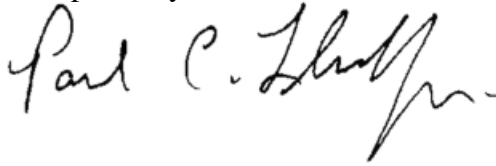
13. Applicant's applied-for mark is likely to dilute the distinctive quality of Hershey's famous, distinctive and federally-registered mark KISSES as well as the other famous, distinctive and federally registered marks in the KISS family of trademarks, within the meaning of 15 U.S.C. § 1125(c)(1).

**WHEREFORE**, Hershey respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

The Patent and Trademark Office and Trademark Trial and Appeal Board are hereby authorized to collect any fees necessitated by this Notice of Opposition from the deposit account of Hershey's attorneys, Kaye Scholer LLP, Deposit Account No. 11-0228.

Dated: January 17, 2017

Respectfully submitted,



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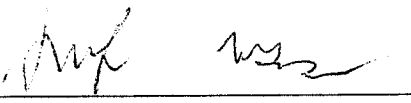
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### **CERTIFICATE OF SERVICE**

I certify that the foregoing Notice of Opposition is being electronically filed with the United States Patent and Trademark Office on January 17, 2017, and that a true and correct copy of the foregoing Notice of Opposition was served by first-class mail, postage prepaid, on the correspondent of record for the Applicant, namely:

YOON YANG  
308 E. 5TH AVE  
VANCOUVER, B.C.  
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Jennifer Worksman